

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7305 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- NAUTAN District- Siwan

DINANATH RAM SON OF LATE NAGINA RAM R/O VILLAGE-
GANDHARPA, P.S.- NAUTAN, DISTRICT- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-06-2021

In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Nautan PS Case No. 174 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Since 31.10.2020 the petitioner is in custody for alleged recovery of 114.60 liters of foreign liquor from beside the hand pump concealed in husk.

Learned Counsel for the petitioner submits that the recovery, as per prosecution case, is alleged in his absence. The same is denied and disputed. This is a case of false implication and there is no material to support that the recovered substance was an intoxicant.



There is also no compliance with the procedure under Section 100 Cr.P.C.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise, Siwan in Nautan PS Case No. 174 of 2020. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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